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December 9, 2003

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DEC - 9 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

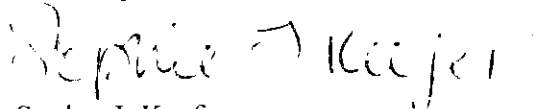
Re: Ex Parte Presentation in CC Docket No. 96-115

Dear Ms. Dortch:

Today, representatives of the Association of Directory Publishers ("ADP") met with Marcy Greene, William Kehoe, and Ann Stevens of the Wireline Competition Bureau to discuss the pending petitions for reconsideration in the above captioned proceeding. ADP was represented by Theodore Whitehouse and the undersigned. The attached handout was provided by ADP.

Pursuant to Section 1.1206(b)(2) of the Commission's rules, an original and one copy of this letter are being filed for inclusion in the public record of the above-referenced proceeding.

Sincerely,



Sophie J. Keefer

Attachment

cc: Marcy Greene
William Kehoe
Ann Stevens

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THE ASSOCIATION OF DIRECTORY PUBLISHERS

Ex Parte Presentation

December 9, 2003

The Commission must mandate nondiscriminatory provision of CLEC listings by ILECs to independent directory publishers:

- ILECs provide their own directory publishing affiliates with all SLI received from CLECs pursuant to their interconnection agreements with the CLECs. Moreover, most ILECs will provide CLECs' SLI to independent directory publishers if the CLEC has provided its consent and/or amended its interconnection agreement with the ILEC. This practice results in unlawful discrimination because the ILECs' publishing affiliates receive complete SLI for all CLECs' subscribers, see Attachments hereto, while independent publishers must engage in costly and time consuming activity to identify (from generally incomplete and outdated public records) and contact each CLEC to persuade it to provide data that, largely because of the CLEC's arrangements with the ILEC, the CLEC is generally not in a position to provide in a usable form. Because of its position as an affiliate of the monopoly provider of local exchange service in its service area, an ILEC's publishing affiliate knows which CLECs have listings in a given area and obtain these listings for free and with little to no effort.
- In the context of (1) names and addresses of subscribers with unlisted or unpublished numbers, (2) listing information used by ILECs to provide reverse directory services; and (3) listing information used by ILECs to provide nonlocal directory assistance, the Commission has ordered relief similar to that requested here to remedy discrimination resulting from ILECs' access to complete information concerning the telephone numbers of their own as well as other carriers' customers operating in their regions. See Third Report and Order, at ¶ 41, In re Petition of US WEST Communications for a Declaratory Ruling Regarding the Provision of National Directory Assistance, CC Docket No. 97-172, Memorandum Opinion and Order, FCC 99-133, at ¶ 35 (rel. Sept. 27, 1999); In re Bell Operating Companies Petitions for Forbearance From the Application of Section 272 of the Communications Act of 1934, As Amended, to Certain Activities, 13 FCC Rcd. 2627, at ¶ 82 (1998).
- ALTS, TRA, and CompTel supported ADP's Petition on this issue. TRA correctly noted that "[f]or every advantage conferred by an incumbent LEC's practice of providing competitive LEC SLI only to its publishing affiliate, the incumbent LEC imposes a corresponding disadvantage upon some other party." TRA Comments, at 6 (filed Jan. 11, 2000).
- Therefore, on reconsideration of the Third Report and Order, the Commission should clarify that incumbent LECs may not discriminate between their own publishing affiliates and independent publishers in the provision of listings of CLECs gathered pursuant to interconnection agreements with the CLECs.

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